

UNITED STATES DISTRICT COURT
for the
DISTRICT OF MASSACHUSETTS

Civil Action No. 04-12011-MLW

CARLOS A. AGUIAR,)
 Plaintiff)
)
 v.)
)
LIMA & CURA FISHING)
CORPORATION,)
 Defendant)

SPECIAL JURY VERDICT FORM

1. Was the Defendant Lima & Cura Fishing Corporation negligent?

YES_____ NO_____

If you answered "YES" to Question #1, proceed to Question #2. If you answered "NO" to Question #1, you have reached a verdict on the negligence count, skip Question #2, and proceed to Question #3.

2. Was Defendant S&S Fisheries' negligence a proximate cause of plaintiff's injury?

YES_____ NO_____

Proceed to Question #3.

3. Was the F/V MY WAY unseaworthy?

YES_____ NO_____

If you answered "YES" to Question #3, proceed to Question #4.

If you answered "NO" to Question #3, and answered "NO" to either Questions #1 or #2, STOP. Proceed no further. You have reached a verdict as to both counts.

If you answered "NO" to Question #3, but answered "YES" to Question #2, proceed to Question #5.

4. Was the F/V MY WAY's unseaworthiness a substantial cause in bringing about or actually causing the plaintiff's injury?

YES _____ NO _____

If you answered "YES" to either Questions #2 or #4, or to both, proceed to Question #5.

If you answered "NO" to Question #4, and also answered "NO" to either Questions #1 or #2, STOP. Proceed no further. You have reached a verdict as to both counts.

If you answered "NO" to Question #4, but answered "YES" to Question #2, proceed to Question #5.

5. Was the plaintiff, Carlos Aguiar, contributorily negligent in causing his own injuries?

YES _____ NO _____

If you answered "YES" to Question #5, proceed to Question #6. If you answered "NO" to Question #5, proceed to Question #7.

6. Please assign a percentage of the negligence attributable to David Raffo and S&S Fisheries.

Carlos Aguiar _____%

Lima & Cura _____%

Total 100%
(Your total must equal 100%)

7. What amount will fairly compensate the plaintiff for his injuries caused by the negligence of the defendant or the unseaworthiness of the vessel? (Do not consider question #6 or issues of contributory negligence.)

(write the amount in words.)

(write the amount in figures.)

Date

Foreperson